

## REMARKS

In response to the Office Action of December 1, 2004, applicant hereby requests reconsideration of the claims, as amended, for the reasons discussed herein. Applicant notes that in response to Applicant's Arguments submitted in response to the prior Office Action dated April 4, 2003, the Examiner withdrew all of the previous rejections set forth pursuant to 35 U.S.C. §§ 102(b) and 103(a). In the Office Action dated December 1, 2004, the Examiner has indicated that an additional search was performed and additional art was found.

Based on the additional art, the Examiner has rejected claims 1-14 and 16-18 pursuant to 35 U.S.C. §102(e) and §103(a) based upon the disclosures of U.S. Patent No. 6,491,933 (Forbes), U.S. Patent No. 5,433,994 (McKinney) and U.S. Patent No. 6,534,572 (Ahmed).

As discussed in more detail below, the prior art does not disclose or suggest the use of acidic superabsorbent polymers (SAPs) in connection with applicant's claimed invention. In particular, contrary to the Examiner's assertions, there is no suggestion or motivation to combine the absorbent pouch of Forbes with the starch modified polyacrylic acid disclosed by McKinney. Accordingly, applicant has incorporated the limitations of claims 1 and 9 into claims 5 and 13, respectively.

Furthermore, with respect to claim 17, as amended, applicant submits that the prior art does not teach or suggest a roll of disposable articles comprising absorbent pads "each having a plurality of edges wherein at least one of said edges of each of said pads is defined by a transverse score line located at said edge along which said pads are selectively separable from one another at a pre-designated location."

Moreover, to the extent that the other remaining claims have been amended, such action was taken only for purposes of ensuring proper dependency.

Finally, applicant has added new Claims 19 through 28 for consideration by the Examiner. Applicant respectfully submits that these claims incorporate limitations not found in the prior art and are thus allowable.

Applicant submits that the new and previously pending claims, as amended, are patentably distinguishable over the prior art and that the application is condition for allowance.

#### **I. CLAIM REJECTIONS - - 35 U.S.C. §103**

The Examiner has rejected Claims 5 and 13 pursuant to 35 U.S.C. §103(a) as being unpatentable over Forbes in view of U.S. Patent No. 5,433,994 (McKinney). In particular, the Examiner has stated in paragraph 8:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the conventional acidic super absorbent particle of McKinney in the product of Forbes motivated by the desire to use a widely available super absorbent particle which is chemically compatible with the absorbent product.

Applicant submits that while Forbes arguably discloses certain elements of applicant's invention, it fails to disclose or suggest the combination with the acidic superabsorbent polymers taught by McKinney for the following two reasons.

First, since Forbes discloses absorbent pouches which are used to absorb juices/liquids generated from various food items such as meat, fish and poultry it is evident that Forbes actually teaches away from combining an absorbent pouch with SAPs that are acidic since items such as meat, fish and poultry are themselves acidic, having a pH of less than 7. Thus, in order for acid neutralization to occur, the pouches taught by Forbes would actually require something other than an acidic SAP to accomplish both acid neutralization and fluid absorption. Accordingly, contrary to the Examiner's assertion, use of an acidic SAP would not be chemically compatible with the absorbed product.

Second, since McKinney only teaches two relevant layers, (a) a permeable layer and (b) superabsorbent layer, it is clearly distinguishable from applicant's invention which incorporates three different layers and thus there would be no reason or suggestion to combine the disclosure of McKinney with the pouch of Forbes. As noted in response to the Office Action of April 4, 2003, McKinney teaches a superabsorbent structure 20,70 that may be utilized in various liquid-absorbing applications. McKinney provides for a permeable means

30,80 that is laminated to the superabsorbent structure 20,70. The superabsorbent structure comprises a superabsorbent polymer mixed into a non-expanded solid matrix material where the latter is selected from a group consisting of cellulose esters, acrylic acid esters, polyvinyl esters or copolymers. Additionally, an adhesive means 40,90 may be optionally included.

However, contrary to the Examiner's assertion, McKinney (at column 1, lines 50-67) does not teach or suggest that the adhesive layer is "impermeable." Accordingly, McKinney only teaches two relevant layers – a permeable layer and a superabsorbent layer – and is therefore clearly distinguishable from applicant's invention. Further, and to the extent that McKinney also teaches an embodiment comprising a cushioning means 60, McKinney discloses that "the passage of liquid from structure 70 to cushioning means 60 is less important." (column 2, lines 7-9) Therefore, McKinney is decreasingly relevant and, in important respects, actually teaches away from applicant's invention since McKinney purposely ignores the impermeability of a third layer.

## **II. CLAIM REJECTIONS - - 35 U.S.C. §102**

The Examiner has rejected original Claim 17 pursuant to 35 U.S.C. §102(e) as being unpatentable over Forbes. In light of applicant's amendment to claim 17 which now incorporates a transverse score line located at an edge of said pad, and the incorporation of the limitation of claim 9 into amended claim 13 from which claim 17 now depends, applicant submits that the claim is now allowable.

## **III. NEW CLAIMS**


Applicant has added new Claims 19 through 28 for the Examiner's consideration. Based on the limitations incorporated into these new claims, Applicant submits that these claims are distinguishable over the prior art and are in condition for allowance.

#### **IV. CONCLUSION**

Accordingly, it is respectfully submitted that the subject application is patentably distinguishable over the prior art and is in condition for allowance.

Dated: June 1, 2004  
New York, New York

Respectfully submitted:



---

Jeffrey M. Kaden, Esq.  
Registration No.: 31,268  
GOTTLIEB, RACKMAN & REISMAN, P.C.  
270 Madison Avenue  
New York, NY 10016-0601  
Telephone: (212) 684-3900